



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#18/*Affidavit*
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5-17-03

Applicant: Stephen J. Brown

Attorney Docket No.: HERO-1-1025

Serial No.: 09/422,046

Group Art Unit: 2761

Filing Date: October 20, 1999

Examiner: A. Kalinowski

Title: REMOTE HEALTH MONITORING AND MAINTENANCE SYSTEM

AFFIDAVIT UNDER 37 C.F.R. § 1.131

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TO THE COMMISSIONER OF PATENTS:

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GROUP 1700

I, Stephen J. Brown, do hereby declare that:

1. I am the inventor of the above-identified application.
2. Certain claims in the above-identified patent application have been rejected as being anticipated by U.S. Patent No. 5,339,821 to Fujimoto, or obvious in view of Fujimoto and other references. The Fujimoto reference has an effective date of October 26, 1992 in the United States.
3. I invented the subject matter claimed in the above application, including those claims amended and newly added in the accompanying response and amendment, prior to the effective date of the Fujimoto patent.
4. Prior to the effective date of the Fujimoto reference, I received a draft of the patent application (copy enclosed with blackened out dates) from Mr. Jim Anable at Christensen O'Connor Johnson & Kindness. Soon after that time and still prior to the effective date of the Fujimoto reference, I sent a letter (copy is enclosed and dates are blackened) to Mr. Jim Anable replying to the draft patent application that he sent.
5. On November 17, 1992 I had instructions delivered to Jim Anable to file the application.




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BLACK LOWE & GRAHAM ^{PLC}


816 Second Avenue
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

6. Mr. Jim Anable assured me that the time interval between when I sent my replies to the application draft and when he generated a final draft of the application was diligently prepared and filed.

7. Pursuant to the requirements of 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct.

Dated this 14 day of April, 2003.



Stephen J. Brown




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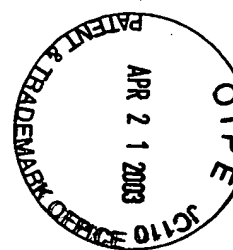
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FOREIGN REFERENCES

Number	Country	Inventor	Title	FileDate	IssueDate	Class	Translation
2218831	GB	Newland	Personal Medical Apparatus	5/17/1988	11/1/1989		Yes
461910	EP	Ohara	Video Game Convertible to a Television Receiver	6/13/1991	12/18/1991	9	Yes
EP251520	EP	Fu et al	Personal Health Monitor	6/8/1987	1/7/1988	G06F 15/42	Yes
EP320749	EP	Turcotte II, et al	Portable Medical History-Taking Device	12/6/1988	6/21/1989	G06F 159/00	Yes
EP370599	EP	Hamilton et al	Drug Dispensing Event Detector	7/11/1989	5/30/1990	A61J 7/00	Yes
EP508912	EP	Schott	No translation	4/7/1992	10/14/1992	A63H 3/28	No
EP526166	EP	Dessertine	Patient Compliance Monitoring Method and System	7/28/1992	2/3/1993	G06F 15/42	Yes
EP676709	EP	Wimmer	Method and System for Customizing the Display of Patient Physiological Parameters on a Medical Monitor	4/3/1995	10/11/1995	19	Yes
EP680727	EP	Bocker et al	No translation	4/22/1995	11/8/1995	A61B 5/00	Yes
EP761160	EP	Akasaka, et al	Medical System for Patients-at-Home	8/8/1996	3/12/1997	A61B 5/00	Yes
WO93/02622	WIPO	Korenman, et al	Operation of Computer Systems	8/7/1992	2/18/1993	A61B 5/16	Yes
WO94/16774	WIPO	Andrus, et al	Physical Exercise Video System	1/27/1993	8/4/1994	A63B 21/00	Yes
WO95/09386	WIPO	Ward, et al	Electronic Dosing Information Device	9/29/1994	4/6/1995	G04B 47/00	Yes
WO95/20199	WIPO	Letzt, et al	Electronic Health Care Compliance Assistance System	1/23/1995	7/27/1995	G06F 19/00	Yes
WO96/25877	WIPO	Raymond, et al	Health Monitoring System	2/23/1996	8/29/1996	A61B5/0404	Yes
WO97/08605	WIPO	Kellinger et	Computer System for Cognitive Rehabilitation	8/20/1996	3/6/1997	G06F	Yes

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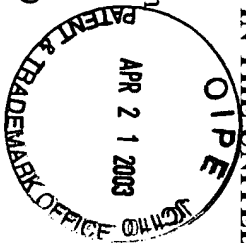
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Number	Country	Inventor	Title	FiledDate	IssueDate	Class	Translation
WO97/12544	WIPO	Beller et al	Patient Terminal for Home Health Care System	10/4/1996	4/10/1997	A61B 5/00	Yes
WO98/16895	WIPO	Brown	Multiple Patient Monitoring System for Proactive Health Management	10/7/1997	4/23/1998	G06F 159/00	Yes

OTHER REFERENCES

Document	PublicationDate	Copy
"+5V Powered Isolated RS-232 Drivers/Receivers," Maxim Integrated Products, publication date unknown		Yes
"CD-ROM Mavericks: Proprietary TV-Based Players," Byte Guide to CD-ROM, publication date unknown, pp. 100-105	Unknown	Yes
"Introducing the Next Generation of About Your Diabetes," US Pharmacopeial Convention and American Diabetes Association, 4pgs, 1993	93	Yes
Anonymous, "Health Hero Network, Inc. Receives First-Ever FDA Clearance for Connecting Medical Devices to Internet," PR Newswire, December 2, 1999, 3 pgs.	12/2/99	Yes
Bower, "Brain Clues to Energy-Efficient Learning," Science News, v141, p215(1)		Yes
Bruce, "Health Hero Network CEO, CNNfn," Digital Jam, December 1, 1999, 3pgs.	12/1/99	Yes
Bruce, et al, "The Effects of Sympathetic Nervous System Activation and Psychological Stress," Diabetologia, 35(9), 1992, 835-843	1992	Yes
Fox, "Not My Type: Type B Behavior, Type 1 Diabetes Plus Stress Equals Blood Sugar Blues," Health, v20, n3, p22(1) (Abstract)		Yes
Finston, "Parent + Teacher = Healthy Child," Diabetes Forecast, v47, n9, p26(5)		Yes
Giuffrida, Antonio, et al., "Should we pay the patient? Review of Financial incentives to enhance patient compliance," Biomedical Journal, Vol 315, pp.703-707, 1997	9/20/97	Yes

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Document	Publication Date	Copy
Kauffman, Francine, et al., "Epidemiological Study of the Genetics and Environment of Asthma, Bronchial Hyperresponsiveness and Atopy", Am. J. Respir. Crit. Care Med., Vol. 156, pp. S123-S129, 1997	1997	Yes
Marsh, David G., "Approaches Toward the Genetic Analysis of Complex Traits Asthma and Atopy", Am J Respir Crit Care Med, Vol 156, pp S-133-S138, 1997	1997	Yes
Martinez, Fernando D., "Complexities of the Genetics of Asthma", Am J Respir Crit Care Med, Vol. 156, pp S117-S122, 1997	1997	Yes
Moore, "New applications break through storage boundaries," Computer Technology Review, October, 1999, Vol. 19, No. 10, pg. 1	10-99	Yes
Reis, Howard, "Telemedicine: Transmitting Expertise to the Point of Care," Proceedings: Toward an Electronic Patient Record, pp 248-256, 1997	1997	Yes
Schork, Nicholas J., "Genetics of complex disease", Am. J. Respir. Crit. Care Med., Vol. 156, pp. S103-S109, 1997	1997	Yes
Shandle, Jack, "Who Will Dominate the Desktop in the 90's?" Electronics, February, 1990, pp.48-50	2/1990	Yes
Voelker, Rebecca, "Shoe Leather Therapy is Gaining on TB", JAMA vol. 275, 743, March 13, 1996	3/13/96	Yes

EXAMINER

DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

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